

REMARKS

SUMMARY OF STATUS OF AMENDMENTS

The Examiner acknowledged Applicants' election (with traverse) of Group II apparatus claims in the response dated May 24, 2005. Claims 113-122 stand withdrawn from consideration by the Examiner.

By the present amendment, Applicants have amended the specification to update the status of an application which has issued into a patent.

To expedite prosecution of this case, Applicants have cancelled claims 124, 125, 129, 131, 133 and 136-142 without prejudice or disclaimer of the subject matter thereof. Applicants have amended claims 123, 127 and 135 and added claim 143. Applicants respectfully request reconsideration and withdrawal of the rejections of record, and allowance of the pending claims in the present application. Claims 123, 126 – 128, 130, 132, 134, 135 and 143 remain under consideration.

Applicants are permitting the non-elected claims to remain pending subject to possible reconsideration of the restriction requirement.

RESPONSE TO REJECTION UNDER 35 U.S.C. 112, FIRST PARAGRAPH

Rejection for Written Description

Claims 123-142 are rejected under 35 U.S.C. 112, first paragraph, as allegedly lacking written description.

Applicants have cancelled claims 124, 125, 129, 131, 133 and 136-142 without prejudice or disclaimer, and therefore the rejection is moot with respect to these claims.

However, Applicants reserve the right to argue the ground of rejection upon representing these claims in a continuation application and/or a divisional application.

Applicants respectfully submit that one of ordinary skill in the art reading Applicants' originally filed disclosure would readily understand that Applicants were in possession of the claimed subject matter at the time of filing the application.

To assist the Examiner's review, Applicants note the following as exemplary support for the "filter" (page 8, line 15 to page 9, line 7) and "filter passes one spatially separated wavelength of light" (page 8, line 20 to page 9, line 1) of claim 123.

Applicants note the following as exemplary support for "visible or infrared light" (page 8, line 20 to page 9, line 1 and page 12, line 21 to page 13, line 4; USP 5,143,854, column 4, lines 16-21, column 6, lines 33-39 and column 8, lines 66-67, incorporated by reference in the specification at page 1, lines 19-23) of claim 126. Applicants note the following as exemplary support for "two-dimensional" microarray mirror [sic micromirror array] (page 7, beginning at line 14) of claim 128. Applicants note the following as exemplary support for "combination of UV light, visible and infrared light" (page 8, line 20 to page 9, line 1 and page 12, line 21 to page 13, line 4; USP 5,143,854, column 4, lines 16-21, column 6, lines 33-39 and column 8, lines 66-67, incorporated by reference in the specification at page 1, lines 19-23) of claim 132. Applicants note the following as exemplary support for "more than one wavelength" (page 8, line 20 to page 9, line 1 and page 12, line 21 to page 13, line 1) of claims 134 and 135. Applicants additionally note the following as exemplary support for the "bandpass filter" (page 8, line 20 to page 9, line 7) of claim 143.

Applicants' submit that the specification provides adequate written description of the subject matter of claims 123, 126 – 128, 130, 132, 134, 135 and 143 and therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

RESPONSE TO OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTIONS

Rejections for Obviousness-Type Double Patenting

Claims 123-142 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-13 of United States Patent No. 6,480,324 ("the '324 patent") in view of Cerrina *et al* (U.S. Patent No. 6,375,903; "the '903 patent").

Applicants respectfully submit that, without acquiescing to the rejection and in order to expedite prosecution, once the present claims are allowed, Applicants will consider filing an appropriate Disclaimer.

Claims 123-142 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 71-73, 75-85, 87-94, 113-139, 170-194 of Applicants' copending United States Application No. 10/223,719 ("the '719 application") in view of Cerrina *et al* (U.S. Patent No. 6,375,903).

Applicants note that the '719 application is pending, and an Office Action was mailed on August 22, 2005, including rejections of the claims pending therein. Therefore, Applicants respectfully submit that, in conformance with Patent and Trademark Office procedure and in view of the fact that the '719 application is not a patent, the present application can be sent to issue.

Applicants respectfully request the Examiner to reconsider the double patenting rejections based upon the merits in view of the presently pending claims.

CONCLUSION

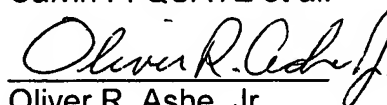
In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow the pending claims.

If the examiner has any questions or wish to further discuss this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Authorization is hereby provided to charge any fees which may be required, including any claim fees and/or fees necessary to maintain the pendency of this application, or credit any overpayment to Deposit Account 19-0089.

Date: February 1, 2006

Respectfully submitted,
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